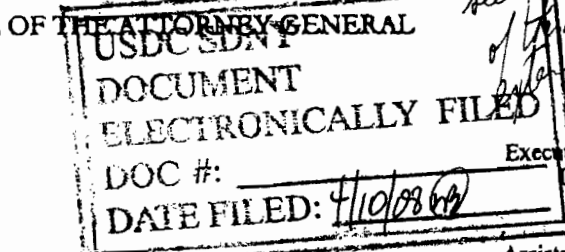




STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO  
Attorney General

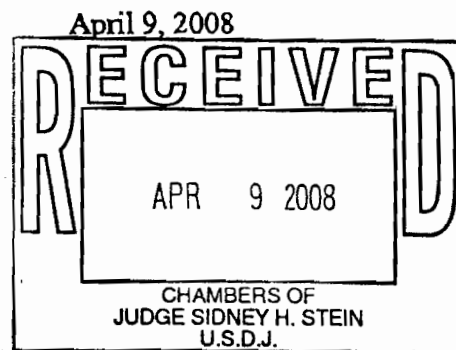


[212-416-8118]

LESLIE G. LEACH  
Executive Deputy Attorney General  
Division of State Counsel  
JUNE DUFFY  
Assistant Attorney General in Charge  
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BY FAX: 212-805-7924  
Honorable Sidney H. Stein  
United State District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

MEMO ENDORSED



Re: Voorhees v. Lord et al., 05 CV 0350 (SHS)(THK)

Your Honor:

I am the Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, assigned to the defense of this matter. I write on behalf of defendants David Casterline, Mark Hayo and Janaire Malloy ("defendants") to respectfully request an extension of time to move for reconsideration of the March 27, 2008 Order until ten (10) days after settlement negotiations in front of Judge Katz have concluded, to the extent the negotiations do not result in a resolution. As the Court is aware, the parties are involved in settlement negotiations with Judge Katz and defendants believe that a motion for reconsideration should be put off to allow the parties to focus on settlement negotiations and because of judicial economy. If this request is denied, defendants request until April 29, 2008 to move for reconsideration. Currently, any such motion is due on April 10, 2008. The basis for this motion would be that defendants' arguments that they are entitled to qualified immunity was not addressed by the Court in the Order.

On April 4, 2008, the defendants submitted their response to plaintiff's request to settle this matter, which requests the installation of individual temperature control knobs, adjustable showerheads and mats inside the showers at Bedford Hills Correctional Facility. Currently, we are awaiting an appearance date before Judge Katz to discuss whether our response to the plaintiff's demands is sufficient to resolve this case. To the extent this matter is not resolved, we would like an extension of time to move for reconsideration from April 10, 2008 until 10 days

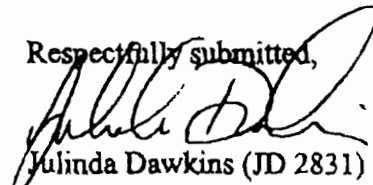
after settlement negotiations in front of Judge Katz have concluded.

In the event that the Court does not grant the above request, defendants respectfully request an extension until April 29, 2008 to move for reconsideration. The reason for this request is that, while the Order was technically issued on March 27, 2008, we did not receive a copy of the conference transcript until yesterday, April 8, 2008, and I presently have several other prior legal obligations for the week of April 14, 2008 and April 21, 2008, and thus ask that the date be adjourned until April 29, 2008.

I did not request the consent of incarcerated plaintiff pro se because I wanted to make this request on behalf of defendants forthwith. This is the defendants' first request for an extension of time to submit their motion for reconsideration.

I thank the Court for its consideration in this matter.

Respectfully submitted,



Julinda Dawkins (JD 2831)  
Assistant Attorney General

cc: Ms. Mary Voorhees  
Pro Se Plaintiff (by UPS Overnight)  
DIN # 00G0980  
Bedford Hills Correctional Facility  
P.O. Box 1000  
Bedford Hills, New York 10507-2499